

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD G. JOHNSON,	§	
	§	No. 37, 2006
Defendant Below,	§	
Appellant,	§	Court Below--Superior Court
	§	of the State of Delaware, in
v.	§	and for New Castle County
	§	
STATE OF DELAWARE,	§	Cr. ID No. 0504012348
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: January 26, 2006

Decided: February 17, 2006

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

ORDER

This 17th day of February 2006, upon consideration of the Clerk's notice to show cause pursuant to Supreme Court Rule 29(b) and the appellant's response to the notice, it appears to the Court that:

(1) In May 2005, the appellant, Ronald G. Johnson, was indicted in the Superior Court on nine offenses. Johnson's criminal trial is scheduled to begin in May 2006.

(2) By order dated January 6, 2006, the Superior Court decided

several motions that Johnson had filed pro se, including a motion to dismiss.¹

Johnson filed a pro se appeal from the Superior Court's order.²

(3) On January 19, 2006, the Assistant Clerk issued a notice directing that Johnson show cause why the appeal should not be dismissed based on this Court's lack of jurisdiction to consider an appeal from an interlocutory order in a criminal case. In response to the notice to show cause, Johnson contends that the appeal is "ripe for full adjudication."

(4) Johnson is incorrect. Under the Delaware Constitution, this Court shall receive an appeal only from a final judgment in a criminal case.³ The

¹The Superior Court also decided Johnson's motions to reconsider two unsuccessful habeas corpus petitions and his request for a bail reduction.

²Johnson's appeal is titled "Notice of Appeal of Motion for Dismissal of Charges for Speedy Trial Violations."

³Del. Const. art. IV, § 11(1)(b).

Court has no jurisdiction to consider an interlocutory appeal in a criminal case.⁴

⁴*See Gottlieb v. State*, 697 A.2d 400 (Del. 1997) (discussing nonappealability of interlocutory orders in criminal cases).

(5) The Superior Court's order of January 6, 2006, is not a final appealable order.⁵ This Court does not have jurisdiction to consider Johnson's appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT

/s/ Jack B. Jacobs
Justice

⁵*Cf. Kostyshyn v. State*, 2004 WL 1874695 (Del. Supr.) (dismissing, *sua sponte*, impermissible criminal interlocutory appeal from order granting motion to sever).